

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**January 16, 2006**

**There were no minutes for this date.**

**January 17, 2006**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Butz, Associate Justice and Guzman, bailiff.

**C047962 PALMER v. BOLLING, WALTER & GAWTHROP**

Cause called. Charles R. Chapman argued for appellant. Marjorie E. Manning argued for respondent. Cause submitted.

At 9:56 a.m., the court recessed. At 10:00 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice and Cantil-Sakauye, Associate Justice.

**C046248 DE SARACHO et al. v. CONTAINER FABRICATION MACHINERY et al.**

Cause called. Daniel U. Smith argued and David J. Cook, appeared only for appellant. Daniel V. Kohls argued and Christine E. Jacobs appeared only for respondent. Cause submitted.

At 10:24 a.m., the court recessed. At 10:28 a.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049516 MCCARTHY v. WORKERS' COMPENSATION APPEALS BOARD et al.**

Cause called. Richard V. De Gruccio argued for appellants and submitted additional citations. Catherine A. Martinez argued for respondents and submitted additional citations. Cause submitted.

At 10:51 a.m., the court recessed. At 10:57 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

**C048879 MEDEIROS v. MEDEIROS**

Cause called. C. Athena Roussos argued for appellant. H. Craig Miller argued for respondent. Cause submitted.

At 11:26 a.m., the court recessed. At 11:30 a.m., the court reconvened with Robie, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**January 17, 2006, continued**

**C047799      RAMIREZ v. UNION PACIFIC RAILROAD COMPANY**

Cause called. Larry Lockshin argued for appellant. Joseph P. Mascovich argued for respondent. Cause submitted.

At 11:47 a.m., the court recessed. At 2:13 p.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C048070      ROSA, JR. v. CALIFORNIA BOARD OF ACCOUNTANCY**

Cause called. B. Joe Rosa, Jr. argued In Pro Per as appellant. Diann Sokoloff, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:13 p.m., the court recessed. At 2:20 p.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C044660      THE PEOPLE v. PLATZ**

Cause called. Bruce Cohen argued for appellant. Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:48 p.m., the court recessed. At 2:53 p.m., the court reconvened with Morrison, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C048325      SAFECO PRODUCTS COMPANY v. DENSON INTERNATIONAL, LIMITED**

Cause called. Patricia Sisemore argued for appellant. Peter Abrahams argued for respondent. Cause submitted.

At 3:17 p.m., the court recessed. At 3:23 p.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Davis, Associate Justice.

**C047540      THE PEOPLE v. GRAY**

Cause called. Joan Isserlis, court appointed counsel, argued for Appellant and submitted additional citations. Craig S. Meters, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:55 p.m., the court recessed. At 3:57 p.m., the court reconvened with Sims, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**January 17, 2006, continued**

**C046249 THE PEOPLE v. PHILLIPS**

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Susan J. Orton, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:12 p.m., the court recessed until 9:30 a.m., Wednesday, January 18, 2006.

**C048307 THE PEOPLE v. THOMAS**

**(Not for Publication)**

The judgment is affirmed.

RAYE, J.

We Concur: Nicholson, Acting P.J.

Morrison, J.

**C045859 THE PEOPLE v. GLEFFE**

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

**C046923 THE PEOPLE v. MURPHY**

**(Certified for Partial Publication)**

THE COURT:

It is ordered that the opinion filed in this case on December 20, 2005, be modified...

...This modification does not change the judgment.

Appellant's petition for rehearing is denied.

FOR THE COURT:

SIMS, Acting P.J.

DAVIS, J.

BUTZ, J.

**C050149 PROGRESSIVE WEST INSURANCE COMPANY v. THE SUPERIOR COURT  
OF YOLO COUNTY and PRECIADO**

BY THE COURT:

Petitioner's petition for rehearing is denied.

BLEASE, Acting P.J.

**January 18, 2006**

At 9:29 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Robie, Associate Justice and Rios, bailiff.

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**January 18, 2006, continued**

**C048184 THE PEOPLE v. MARINO**

Cause called. Kenny N. Giffard argued for appellant. Maggy R. Krell, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:50 a.m., the court recessed. At 9:53 a.m., the court reconvened with Hull, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049169 HERNANDEZ v. MCLIN et al.**

Cause called. Marijane Brown argued for appellant. Briny A. Woods argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:06 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

**C048683 CROWE v. GOGINENI**

Cause called. Kelly Crowe argued In Pro Per as appellant. Whitney F. Washburn argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 2:00 p.m. The court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C046252 VANDERTUIN et al. v. MORGAN et al.**

Cause called. Noah W. Kanter argued for appellants. Kimberly Merrifield argued for respondent Morgan. Carroll A. Ragland appeared only for respondent Vandertuin. Cause submitted.

At 2:29 p.m., the court recessed. At 2:34 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

**C048666 KILROY et al. v. CALIFORNIA HIGHWAY PARTOL et al.**

Cause called. R. Ellis Harper argued for appellant. James C. Phillips, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:53 p.m., the court recessed. At 3:01 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

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**January 18, 2006, continued**

**C051497      BARRETT v. BESSEL**

Cause called. Russell J. Hanlon argued for appellant. Garrett C. Dailey argued for respondent. Cause submitted.

At 3:49 p.m., the court recessed until 9:00 a.m., Thursday, January 19, 2006.

**C039117      THE PEOPLE v. MOSS**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.

Nicholson, J.

**C048487      THE PEOPLE v. PAYTON**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

**C049197      THE PEOPLE v. DOUGHTIE**

**(Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We Concur: Blease, Acting P.J.

Butz, J.

**C049881      THE PEOPLE v. MCGEE**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Morrison, J.

**C050406      THE PEOPLE v. RHOADES**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Morrison, J.

**C050513      THE PEOPLE v. VADEN**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Morrison, J.

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**The Minutes**

**January 18, 2006, continued**

**C049717      RENTERIA v. DIVISION OF JUVENILE JUSTICE  
(CERTIFIED FOR PUBLICATION)**

The order denying Renteria's request for relief under Government Code section 946.6 is reversed. The matter is remanded to the trial court for further proceedings.

SIMS, Acting P.J.

We Concur: Raye, J.  
Butz, J.

**C050947      CITY OF AUBURN et al. v. REOME, INC.  
BY THE COURT:**

Appellant's motion to vacate the dismissal and request to reinstate the appeal is denied.

SCOTLAND, P.J.

**January 19, 2006**

At 9:00 a.m., the court met at Tracy High School, Tracy, California for a special court calendar session. Present were Scotland, Presiding Justice; Butz, Associate Justice; Cantil-Sakauye, Associate Justice and Rutherford, bailiff.

**C047035      THE PEOPLE v. SPRINGS, JR.**

Cause called. Victor Blumenkrantz, court appointed counsel, argued for appellant. John G. McLean, Deputy Attorney General, argued for respondent. Cause submitted.

**C050085      CITY OF STOCKTON, et al. v. WORKERS' COMPENSATION APPEALS  
BOARD et al.**

Cause called. Hector Jorin argued for petitioners. Michael Amick argued for respondent Jenneiahn. Cause submitted.

At 10:00 a.m., the court held a special question and answer session with the students to address their questions regarding the court and its procedures.

At 10:30 a.m., the court recessed. At 10:45 a.m., the court reconvened.

**C047659      KEPHART et al. v. GENUITY, INC.**

Cause called. James McManis argued for appellants. Michael A. Bishop argued for respondents. Cause submitted.

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**January 19, 2006, continued**

**C045498 THE PEOPLE v. QUEEN**

Cause called. Christine Vento, court appointed counsel, argued for appellant. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:45 a.m., the court held a special question and answer session with the students to address their questions regarding the court and its procedures.

At 12:15 p.m., the court recessed until 9:30 a.m., Friday, January 20, 2006.

**C040262 MILLER et al. v. DEPARTMENT OF CORRECTIONS et al.**

**(Not for Publication)**

The judgment is reversed and the matter remanded to the trial court for further proceedings consistent with the decision of the Supreme Court and this decision. Plaintiffs shall recover their costs on appeal.

HULL, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

**C049830 In re S.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. TOM M.**

**(Not for Publication)**

The judgment is affirmed.

RAYE, Acting P.J.

We Concur: Morrison, J.

Butz, J.

**C048910 In re CHLOE D. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. CHRISTOPHER D.**

**(Not for Publication)**

THE COURT:

It is ordered that the opinion filed herein on December 27, 2005, be modified...

...The petition for rehearing is denied.

SIMS, Acting P.J.

NICHOLSON, J.

MORRISON, J.

**January 20, 2006**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Cantil-Sakauye, Associate Justice; and Rios, bailiff.

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**January 20, 2006, continued**

**C047824      EXCELSIOR COLLEGE v. CALIFORNIA BOARD OF REGISTERED  
NURSING**

Cause called. Daniel L. Baxter argued for appellant. Janice K. Lachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:08 a.m., the court recessed. At 10:10 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C046993      HARRISON, as Trustee, etc. v. HARRISON, as Trustee, etc. and HARRISON  
et al.**

Cause called. Daniel V. Kohls argued for appellant. William P. Roscoe argued for real parties in interest. Dennis M. Wilson argued for respondent. Cause submitted.

**C048657      IDE v. SPENCER et al. and COLE et al.**

Cause called. Derek L. Tabone argued for appellant. Timothy Pemberton argued for respondents. Cause submitted.

At 11:01 a.m., the court recessed. At 11:04 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C049337      YOUNG AMERICA CORPORATION v. THE SUPERIOR COURT OF  
SACRAMENTO COUNTY and LYNCH**

Cause called. Juan C. Basombrio argued for petitioner. George Donaldson argued for real party in interest. Cause submitted.

At 11:17 a.m., the court recessed. At 11:21 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C047446      McGARRY v. EAKER et al.**

Cause called. Catherine McGarry, argued In Pro Per as appellant. Danielle M. Guard argued for respondent Eaker. Martin Stein argued for respondents Sutter et al. Cause submitted.

At 11:49 a.m., the court recessed. At 2:05 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Nicholson, Associate Justice.



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**The Minutes**

**January 20, 2006, continued**

**C044682      PONCIANO JR., et al. v. REPUBLIC INDEMNITY INSURANCE COMPANY OF CALIFORNIA**

Cause called. Byron Lee Lynch argued and Albert J. Lenzi, Jr., appeared only for appellants. Kathleen M. Abdallah argued for respondent. Cause submitted.

At 2:40 p.m., the court recessed. At 2:43 p.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.

**C048368      CALIFORNIA FISCAL RECOVERY FINANCING AUTHORITY v. FULLERTON ASSOCIATION OF CONCERNED TAXPAYERS**

Cause called. Harold E. Johnson argued and Arthur Mark, III, appeared only for appellant. Susan Oie, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:27 p.m., the court recessed. At 3:31 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C049104      ANDAL et al. v. CITY OF STOCKTON**

Cause called. David Gross argued and Davis Colker appeared only for appellants. Joseph M. Quinn argued for respondent. Cause submitted.

At 4:02 p.m., the court recessed until 9:30 a.m., Monday, January 23, 2006.

**C046607      THE PEOPLE v. RODRIGUEZ      (Not for Publication)**

The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.

**C046981      THE PEOPLE v. MINOR et al.      (Not for Publication)**

Defendant's convictions on count five are reversed and the trial court is directed to enter dismissals of that count... In all other respects, the judgment is affirmed...

HULL, J.  
We Concur: Blease, Acting P.J.  
Sims, J.

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**C047391      HOBBS et al. v. FRANCHISE TAX BOARD**

BY THE COURT:

Respondent's request to publish the opinion filed on December 28, 2005,  
is denied.

SCOTLAND, P.J.

**C049829      In re A.B. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. EBONI R.**

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.